

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BELTEX CORPORATION D/B/A
FRONTIER MEATS,

Plaintiff,

v.

ROBERT HEATH TRUCKING, INC. AND
ROBERT HEATH LOGISTICS, INC.,
LEGAL FREIGHTLINES, LLC,

Defendants.

v.

LEGAL FREIGHTLINES, LLC,

Third-Party Defendant.

CIVIL ACTION NO. 4:19-cv-00133-Y

**DEFENDANT LEGAL FREIGHTLINES, LLC'S ORIGINAL ANSWER TO
PLAINTIFF'S ORIGINAL COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12, Defendant Legal Freightlines, LLC ("Freightlines" and/or "Defendant") filed its Original Answer to Plaintiff's Original Complaint:

I.
JURY DEMAND

1. Defendant respectfully demands a trial by jury with respect to all issues of fact.

II.
ORIGINAL ANSWER

2. Paragraph 1 of Plaintiff's Original Complaint is merely a statement characterizing its lawsuit from its perspective and is a generalization of its claims. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

3. Regarding Paragraph 2, Defendant admits that Robert Heath Trucking and Robert

Heath Logistics are legally liable for the actions of Defendant, to the extent that any legal liability exists. Defendant generally admits the remaining allegation in Paragraph 2.

4. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 3 of Plaintiff's Original Complaint.

5. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 4 of Plaintiff's Original Complaint.

6. Regarding Paragraph 5, Defendant denies that Plaintiff has any legal right to seek damages against Defendant under the authority of the Carmack Amendment to the Interstate Commerce Act, or any other authority. Defendant generally admits the remaining allegations in Paragraph 5.

7. Paragraph 6 of Plaintiff's Original Complaint is a statement characterizing its legal claims for damages against Heath Trucking and Heath Logistics. In so far as the statements include allegations against Defendant, Defendant denies the allegation in Paragraph 6 of Plaintiff's Original Complaint.

8. Paragraph 7 of Plaintiff's Original Complaint is a statement characterizing its legal claims for damages against Heath Trucking and Heath Logistics. In so far as the statements include allegations against Defendant, Defendant denies the allegation in Paragraph 7 of Plaintiff's Original Complaint.

9. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation in Paragraph 8 of Plaintiff's Original Complaint, namely that Plaintiff is a Texas corporation with its principal place of business in Tarrant County, Texas.

10. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation in Paragraph 9 of Plaintiff's Original Complaint.

11. Defendant lacks sufficient knowledge or information to form a belief about the truth

of the allegation in Paragraph 10 of Plaintiff's Original Complaint.

12. Defendant admits that it is a limited liability company organized in the State of California. In so far as the statements include allegations against Defendant, Defendant denies the allegations in Paragraph 11 of Plaintiff's Original Complaint.

13. Defendant admits the allegations in Paragraph 12 of Plaintiff's Original Complaint.

14. Defendant admits the allegations in Paragraph 13 of Plaintiff's Original Complaint.

15. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 14 of Plaintiff's Original Complaint.

16. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 15 of Plaintiff's Original Complaint.

17. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 16 of Plaintiff's Original Complaint.

18. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 17 of Plaintiff's Original Complaint.

19. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 18 of Plaintiff's Original Complaint.

20. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 19 of Plaintiff's Original Complaint.

21. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 20 of Plaintiff's Original Complaint.

22. Defendant admits the allegations in Paragraph 21 of Plaintiff's Original Complaint.

23. Defendant denies the allegations in Paragraph 22 of Plaintiff's Original Complaint.

24. Defendant admits its vehicle experienced a mechanic issue after taking possession of the subject load and that it utilized another vehicle to complete the delivery. Defendant denies the

remaining allegations in Paragraph 23 of Plaintiff's Original Complaint.

25. Defendant denies the allegations in Paragraph 24 of Plaintiff's Original Complaint.
26. Defendant denies the allegations in Paragraph 25 of Plaintiff's Original Complaint.
27. Defendant admits the allegations in Paragraph 26 of Plaintiff's Original Complaint.
28. Defendant admits the allegations in Paragraph 27 of Plaintiff's Original Complaint.
29. Defendant admits the allegations in Paragraph 28 of Plaintiff's Original Complaint.
30. Defendant admits the allegations in Paragraph 29 of Plaintiff's Original Complaint.
31. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 30 of Plaintiff's Original Complaint.
32. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 31 of Plaintiff's Original Complaint.
33. Defendant admits the allegations in Paragraph 32 of Plaintiff's Original Complaint.
34. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 33 of Plaintiff's Original Complaint.
35. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 34 of Plaintiff's Original Complaint.
36. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 35 of Plaintiff's Original Complaint.
37. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 36 of Plaintiff's Original Complaint.
38. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 37 of Plaintiff's Original Complaint.
39. Paragraph 38 of Plaintiff's Original Complaint does not require a response from Defendant.

40. Defendant admits the allegations in Paragraph 39 of Plaintiff's Original Complaint.
41. Defendant admits the allegations in Paragraph 40 of Plaintiff's Original Complaint.
42. Defendant admits the allegations in Paragraph 41 of Plaintiff's Original Complaint.
43. Defendant admits the allegations in Paragraph 42 of Plaintiff's Original Complaint.
44. Defendant admits the allegations in Paragraph 43 of Plaintiff's Original Complaint.
45. Paragraph 44 of Plaintiff's Original Complaint does not require a response from Defendant.

46. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 45 of Plaintiff's Original Complaint.

47. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 46 of Plaintiff's Original Complaint.

48. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 47 of Plaintiff's Original Complaint.

49. Paragraph 48 of Plaintiff's Original Complaint does not require a response from Defendant.

50. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 49 of Plaintiff's Original Complaint.

51. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 50 of Plaintiff's Original Complaint.

52. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 51 of Plaintiff's Original Complaint.

53. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 52 of Plaintiff's Original Complaint.

54. Paragraph 53 of Plaintiff's Original Complaint does not require a response from

Defendant.

55. Paragraph 54 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendant. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

56. Regarding Paragraph 55 of Plaintiff's Original Complaint, Defendant admits it is a motor carrier. The remaining allegations of Paragraph 55 of Plaintiff's Original Complaint are legal contentions, characterizations and legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the allegations in Paragraph 55 of Plaintiff's Original Complaint.

57. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 56 of Plaintiff's Original Complaint.

58. Defendant denies the allegations in Paragraph 57 of Plaintiff's Original Complaint.

59. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 58 of Plaintiff's Original Complaint.

60. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 59 of Plaintiff's Original Complaint.

61. Paragraph 60 of Plaintiff's Original Complaint does not require a response from Defendant.

62. Paragraph 61 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendant. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

63. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 62 of Plaintiff's Original Complaint.

64. Defendant lacks sufficient knowledge or information to form a belief about the truth

of the allegations in Paragraph 63 of Plaintiff's Original Complaint.

65. Defendant denies the allegations in Paragraph 64 of Plaintiff's Original Complaint to the extent a bill of lading was issued by Defendant.

66. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 65 of Plaintiff's Original Complaint.

67. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 66 of Plaintiff's Original Complaint.

68. Paragraph 67 of Plaintiff's Original Complaint does not require a response from Defendant.

69. Paragraph 68 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Trucking. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

70. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 69 of Plaintiff's Original Complaint.

71. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 70 of Plaintiff's Original Complaint.

72. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 71 of Plaintiff's Original Complaint.

73. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 72 of Plaintiff's Original Complaint.

74. Paragraph 73 of Plaintiff's Original Complaint does not require a response from Defendant.

75. Paragraph 74 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Trucking. As such, it does not require a response

from Defendant. In so far as the statements include allegations against Defendant, they are denied.

76. Paragraph 75 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Trucking. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

77. Paragraph 76 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Trucking. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

78. Paragraph 77 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Trucking. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

79. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 78 of Plaintiff's Original Complaint.

80. Paragraph 79 of Plaintiff's Original Complaint does not require a response from Defendant.

81. Paragraph 80 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

82. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 81 of Plaintiff's Original Complaint.

83. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 82 of Plaintiff's Original Complaint.

84. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 83 of Plaintiff's Original Complaint.

85. Defendant lacks sufficient knowledge or information to form a belief about the truth

of the allegations in Paragraph 84 of Plaintiff's Original Complaint.

86. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 85 of Plaintiff's Original Complaint.

87. Paragraph 86 of Plaintiff's Original Complaint does not require a response from Defendant.

88. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 87 of Plaintiff's Original Complaint.

89. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 88 of Plaintiff's Original Complaint.

90. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 89 of Plaintiff's Original Complaint.

91. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 90 of Plaintiff's Original Complaint.

92. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 91 of Plaintiff's Original Complaint.

93. Paragraph 92 of Plaintiff's Original Complaint does not require a response from Defendant.

94. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 93 of Plaintiff's Original Complaint.

95. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 94 of Plaintiff's Original Complaint.

96. Paragraph 95 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Logistics. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

97. Paragraph 96 of Plaintiff's Original Complaint is merely a statement characterizing the legal basis of its claim against Defendants Heath Logistics. As such, it does not require a response from Defendant. In so far as the statements include allegations against Defendant, they are denied.

98. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 97 of Plaintiff's Original Complaint.

99. Defendant denies the allegations in Paragraph 98 of Plaintiff's Original Complaint.

III.
AFFIRMATIVE DEFENSES

100. Defendant asserts the affirmative defense of failure to mitigate damages. Defendant will demonstrate Plaintiff has not undertaken reasonable efforts to re-lease the subject premises and mitigate its damages. As such, Plaintiff's recovery is barred to the extent its damages should have been avoided.

101. Defendant also asserts the affirmative defenses of waiver, illegality, unenforceability, laches, and payment and release.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Legal Freightlines, LLC respectfully requests the following:

- (i) Plaintiff takes nothing in this action;
- (ii) Plaintiff's claims be, in all things, dismissed with prejudice;
- (iii) Defendant be, in all things, discharged;
- (iv) Costs be taxed against Plaintiff;
- (v) Reasonable attorneys' fees through trial and subsequent appeal;
- (vi) All costs of court; and
- (vii) Such other and further relief, special and general, legal or equitable, as Defendant may

be justly entitled to receive.

DATED: August 14, 2020

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Scott Riddle

Scott Riddle

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-and-

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**ATTORNEYS FOR LEGAL
FREIGHTLINES, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 14th day of August, 2020, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for all parties by operation of the Court's electronic filing system, unless counsel for any party is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for the party via certified mail, return receipt requested.

/s/ Scott Riddle

Scott Riddle

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